

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT NEVADA**

CUNG LE, NATHAN QUARRY, JON FITCH,
BRANDON VERA, LUIS JAVIER
VAZQUEZ, and KYLE KINGSBURY, On
Behalf of Themselves and All Others Similarly
Situated,

Plaintiffs,

v.

ZUFFA, LLC, D/B/A ULTIMATE FIGHTING
CHAMPIONSHIP and UFC,

Defendant.

Case No. 2:15-cv-01045-RFB-BNW

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE PRELIMINARY
APPROVAL BRIEF IN EXCESS OF PAGE LIMITS IMPOSED BY LOCAL RULE II 7-3**

1 Pursuant to Local Rule II 7-3(c), Plaintiffs in the above captioned matter (the “Action”)
2 respectfully request additional pages in excess of the page limits imposed by Local Rule II 7-3 for their
3 memorandum of law in support of preliminary approval of a proposed settlement of the Action (the
4 “Preliminary Approval Brief”). Plaintiffs request leave to file a Preliminary Approval Brief not to
5 exceed forty (40) pages. This motion is based upon the Memorandum of Points and Authorities set
6 forth below. Defendant does not oppose Plaintiffs’ request for additional pages.

7 MEMORANDUM OF POINTS AND AUTHORITIES

8 The parties in the above captioned matter have agreed to a settlement that would resolve the *Le*
9 Action (the “Settlement”). To support the motion for preliminary approval of the Settlement, the
10 Preliminary Approval Brief will: (i) explain in detail how the Settlement augments the prior proposed
11 settlement in myriad ways and accounts for each of the Court’s concerns with the prior proposed
12 settlement, including that the Settlement would resolve only the *Le* case, and not the *Johnson* case, and
13 provide substantially more money for the *Le* Class than the prior proposed settlement would have,
14 while also preserving the ability of the *Johnson* Class (including hundreds of members of the *Le* Class
15 who are in both classes) to obtain injunctive relief and additional damages; (ii) provide background
16 information on the litigation leading to the Settlement and discuss the terms of the Settlement; (iii)
17 demonstrate the Settlement satisfies each of the requirements of Fed. R. Civ. P. 23(e) for preliminary
18 approval (which includes a detailed description of a proposed plan of allocation for the Settlement); (iv)
19 describe in detail and request approval of a proposed notice plan; (v) request approval for appointment
20 of a claims administrator and an escrow agent for the Settlement; and (vi) request approval for a
21 proposed schedule to implement the Settlement. The additional pages for the Preliminary Approval
22 Brief (from twenty-four up to forty) are needed to address each of these subjects.

23 Local Rule II 7-3(b) provides that “[a]ll other motions, responses to motions, and pretrial and
24 post-trial briefs are limited to 24 pages, excluding exhibits.” The Court retains the authority to modify
25 or relax such rule. *See Veterinary Ventures, Inc. v. Farris*, 2010 WL 3070423, at *2 (D. Nev. August 3,
26 2010) (citing *Gennock v. Warner-Lambert Co.*, 208 F. Supp. 2d 1156, 1158 (D. Nev. 2002)). Local
27 Rule II 7-3(c) empowers the Court to permit a party to file a motion or brief in excess of the page
28 limitations set forth in LR. II 7-3(b). “[G]iven the district court’s inherent power to control their

1 dockets, whether to grant leave to exceed the page limits set forth in the Civil Local Rules appears to be
2 at the full discretion of the Court.” *FTC v. AMG Servs., Inc.*, 2016 WL 1275612, at *2, n.2 (D. Nev.
3 Mar 31, 2016) (quoting *Traylor Bros. v. San Diego Unified Port Dist.*, 2012 WL 1019966, at *2 (S.D.
4 Cal. Mar. 26, 2012)).

5 District Courts in Nevada will permit a party to file a motion or brief in excess of the page
6 limits imposed by the Local Rules where the party has properly filed a motion for leave of court and
7 good cause exists for the extension. *See Robins v. Baker*, 2013 WL 5947343, at *6 (D. Nev. Nov. 5,
8 2013); *see, e.g., Homick v. Baker*, 2013 WL 5408643, at *1 (D. Nev. Sept. 25, 2013); *Vanisi v. Baker*,
9 2012 WL 1431373, at *1 (D. Nev. Apr. 25, 2012); *Grimsley v. Charles River Labs.*, 2011 WL
10 4527415, at *1 (D. Nev. Sept. 28, 2011). Good cause for exceeding the page limits may exist where the
11 record is voluminous, the relevant issues are “substantial” and “susceptible of lengthy expositions.”
12 *Jacobs v. Clark Cnty. School Dist.*, 373 F. Supp. 2d 1162, 1168 (D. Nev. 2005) (granting motion to
13 exceed page limit where the relevant issues were “substantial” and “susceptible of lengthy exposition”).

14 Good cause exists for the extra pages because the issues relevant to preliminary approval of the
15 Settlement are substantial and susceptible of lengthy exposition. Federal Rule of Civil Procedure 23(e)
16 sets forth seven factors (including sub-factors) for the Court’s consideration on preliminary approval of
17 a class action settlement, along with additional factors the Court may consider as set forth in *Hanlon v.*
18 *Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998). Addressing these subjects, along with the others listed
19 above, is not practicable under the standard page limit of L.R. II 7-3(b).

20 Accordingly, Plaintiffs respectfully request leave to exceed the page limits imposed by L.R. II
21 7-3(b) to file a Preliminary Approval Brief of up to forty pages to ensure that all material issues for
22 preliminary approval of the Settlement can be adequately addressed. Again, as noted above, Defendant
23 does not oppose this request.

1 Dated: October 3, 2024

Respectfully submitted,

2 /s/ Eric L. Cramer

3 Eric L. Cramer (pro hac vice)
4 Michael Dell'Angelo (pro hac vice)
5 Ellen T. Noteware (pro hac vice)
6 Patrick F. Madden (pro hac vice)
7 Najah Jacobs (pro hac vice)
8 BERGER MONTAGUE PC
9 1818 Market St., Suite 3600
10 Philadelphia, PA 19103
11 Telephone: +1 (215) 875-3000
12 Email: ecramer@bm.net
13 Email: mdellangelo@bm.net
14 Email: enoteware@bm.net
15 Email: pmadden@bm.net
16 Email: njacobs@bm.net

17 Joshua P. Davis (pro hac vice)
18 Robert Maysey (pro hac vice)
19 BERGER MONTAGUE PC
20 505 Montgomery Street, Suite 625
21 San Francisco, CA 94111
22 Telephone: +1 (415) 906-0684
23 Email: jdavis@bm.net
24 Email: rmaysey@bm.net

25 Richard A. Koffman (pro hac vice)
26 Benjamin Brown (pro hac vice)
27 Daniel Silverman (pro hac vice)
28 Daniel L. Gifford (pro hac vice)
COHEN MILSTEIN SELLERS
& TOLL PLLC
1100 New York Ave., N.W.
Suite 500 East, Tower
Washington, DC 20005
Telephone: +1 (202) 408-4600
Facsimile: +1 (202) 408-4699
Email: rkoffman@cohenmilstein.com
Email: bbrown@cohenmilstein.com
Email: dsilverman@cohenmilstein.com
Email: dgifford@cohenmilstein.com

Joseph R. Saveri (pro hac vice)
Kevin E. Rayhill (pro hac vice)
Christopher Young (pro hac vice)
Itak Moradi (pro hac vice)
JOSEPH SAVERI LAW FIRM, LLP
601 California St., Suite 1505
San Francisco, CA 94108
Telephone: +1 (415) 500-6800
Facsimile: +1 (415) 395-9940
Email: jsaveri@saverilawfirm.com
Email: krayhill@saverilawfirm.com
Email: cyoung@saverilawfirm.com
Email: imoradi@saverilawfirm.com

*Co-Lead Counsel for the Le Class and
Attorneys for Individual and Representative
Plaintiffs Cung Le, Nathan Quarry, Jon Fitch,
Brandon Vera, Luis Javier Vazquez, and Kyle
Kingsbury*

Don Springmeyer (Bar No. 1021)
Michael Gayan (Bar No. 11135)
KEMP JONES, LLP
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
Telephone: + 1 (702) 385-6000
Facsimile: + 1 (702) 385-6001
Email: dspringmeyer@kempjones.com
Email: m.gayan@kempjones.com

*Liaison Counsel for the Class and Plaintiffs
Cung Le, Nathan Quarry, Jon Fitch, Brandon
Vera, Luis Javier Vazquez, and Kyle
Kingsbury*

Crane M. Pomerantz
CLARK HILL PLC
1700 Pavilion Center Dr., Suite 500
Las Vegas, NV 89135
Telephone: +1 (702) 697-7545
Email: cpomerantz@clarkhill.com

*Additional Counsel for the Class and
Plaintiffs Cung Le, Nathan Quarry, Jon Fitch,
Brandon Vera, Luis Javier Vazquez, and Kyle
Kingsbury*